

SEAMEN'S COMPENSATION BILL 1964

EXPLANATORY NOTES

Department of Shipping and Transport,
Melbourne.
October, 1964.

PURPOSE OF THE BILL

The general purpose of the Bill is to increase the various rates of workers' compensation payable to seamen to keep them in line with the rates payable to Commonwealth employees under the Commonwealth Employees' Compensation Act, which are to be similarly raised.

CLAUSE 1

SHORT TITLE AND CITATION

It is proposed that the Act may be cited as the Seamen's Compensation Act 1964, and that the Principal Act, as amended by this Act, may be cited as the Seamen's Compensation Act 1911-1964.

CLAUSE 2

COMMENCEMENT

It is proposed that the Act shall come into operation on the day on which it receives the Royal Assent.

CLAUSE 3 (Section 5A)

MEDICAL BENEFITS.

Section 5A of the Act requires the employer of a seaman in respect of whom compensation is payable under the Act to pay the cost, not exceeding £350, of such medical treatment and ambulance services in relation to the injury or disease involved as are, in the opinion of the Minister, reasonably necessary. There is also a proviso which makes the employer liable to pay such amounts in excess of £350 as appears to the Minister to be reasonable in the circumstances.

The amount of £350 referred to is being increased to £500, in line with a similar increase to be made in the Commonwealth Employees' Compensation Act.

CLAUSE 4 (Section 5D)

MAXIMUM COMPENSATION.

The maximum amount of compensation payable in respect of an injury or injuries caused by any one accident, except where an injury results in death or total and permanent incapacity, is being increased from £3,000 to £4,300, in line with the related amendment to be made to the Commonwealth Employees' Compensation Act.

CLAUSE 5 (First Schedule)

SCALE AND CONDITIONS OF COMPENSATION.

This clause effects various increases in the scale of compensation set out in the First Schedule to the Act which are in line with similar increases being made in the scale under the Commonwealth Employees' Compensation Act. The main details are as follows:-

Paragraph (a)

The additional amount of £100 payable in respect of each dependent child under paragraph (1.)(a)(i) is being replaced with a weekly payment of £1.2.6 until the child attains the age of 16 years, with a minimum of £100 in respect of each child (see paragraph (i)).

Paragraph (b)

The amount of weekly incapacity payment to an adult seaman is being increased from £10 to £11.11.0.

Paragraph (c)

The amount of the weekly payment in respect of the wife of an incapacitated seaman is being increased from £2.10.0 to £2.14.6.

Paragraph (d)

This amendment is consequential upon that under paragraph (b).

Paragraph (e)

The minimum sum to which a lump sum payable in respect of the death of a seaman may be reduced by the amount by which any lump sum paid to him before his death exceeds the total of all weekly payments, which would have been payable had such payments continued until his death, is being increased from

£400 to an amount of ~~£77~~¹⁰⁰.

Paragraph (f)

The amount of the weekly incapacity payment to a seaman who is a minor and is not entitled to adult rates of pay is being increased from £7.5.0. to £8.13.3.

Paragraph (g)

This amendment is consequential upon that under paragraph (b).

Paragraph (h)

This amendment provides that the additional amount of compensation payable where the weekly payments in respect of a dependent child have ceased before they have amounted to £100 may be paid to such persons and for such purposes as the Minister directs.

Paragraph (i)

The weekly payments provided under paragraph (a) cease when the child is sixteen or on marriage or death but where such payments cease before the aggregate total has reached £100 an additional amount of compensation is payable equal to the difference between that aggregate and £100.

CLAUSE 6 (Third Schedule)

COMPENSATION FOR SPECIFIED INJURIES

This clause repeals the existing Schedule of compensation for specified injuries payable under section 5B and replaces it with a new Schedule in which the rates of compensation for those injuries have been increased in similar proportions to the increase from £3,000 to £4,300 in the maximum amount of lump sum compensation.

CLAUSE 7

ADJUSTMENT OF WEEKLY PAYMENTS ALREADY APPLYING

This clause ensures that where, immediately before the date of commencement of the amending Act, a person is receiving, or is entitled to receive, payments under the Act, or where, in respect of a seaman to whom the Act applies, death occurs or the final degree of injury becomes assessable after the date of commencement of the amending Act, the new higher rates will be payable.